

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

EDDIE DICKARD, Individually)	
and on behalf of all others similarly)	
situated,)	
Plaintiffs,)	No. 5:06-CV-5176
)	
vs.)	
)	
INTRAOPERATIVE MONITORING)	
COMPANY, LLC.)	
AMERICAN INTRAOPERATIVE)	
MONITORING, LLC)	
OKLAHOMA MANAGEMENT)	
SERVICES FOR PHYSICIANS, L.L.C.)	
ORTHOPEDIC MANAGEMENT)	
SERVICES, LLC.)	
)	
Defendants.)	

ORDER

Plaintiff's Motion to Dismiss Defendants Intraoperative Monitoring, LLC and American Intraoperative Monitoring, LLC is granted. It is stipulated by the parties that this dismissal is without prejudice and Defendant has agreed to toll the statute of limitations from the date of the filing of the lawsuit. No costs or attorney fees are to be awarded. Therefore, pursuant to Fed. R. Civ. Pro. 23(e)(1)(B), no notice to the class should be required because class certification has not been determined, no individual putative class members' claims are prejudiced, and the agreed non-suit is without prejudice.

Pursuant to Fed. R. Civ. Pro. 23(c)(1)(c), the non-suit does not bind any individual class member because the non-suit is without prejudice, and, therefore, is fair, reasonable, and adequate and there exists no agreements between the Plaintiff and these identified Defendants, except that the non-suit is without prejudice. Therefore, the claims against these Defendants are dismissed without prejudice and the Clerk is directed to terminate them as parties.

IT IS SO ORDERED THIS 4th day of May, 2007.


U. S. DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED

MAY 04 2007

CHRIS R. JOHNSON, CLERK

BY

DEPUTY CLERK


Robert Dawson
United States District Court